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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/723,222	COOL, KENNETH J.
	Examiner	Art Unit	
	Melur Ramakrishnaiah	2614	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 June 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,6-13 and 16-33* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☒ Claim(s) *1-3,6-11,13 and 16-19* is/are allowed.
6)☒ Claim(s) *12, 20-33* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6-16-

2008 has been entered.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

3.   Claim 12, 21, 22, 32 are rejected under 35 U.S.C. 112, first paragraph, as failing

to comply with the enablement requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to enable one skilled in the art to

which it pertains, or with which it is most nearly connected, to make and/or use the

invention. Claim 12 recites among other things recites: wherein a portion of the real

program is not buffered by the means for buffering to facilitate coincidence of the

buffered program with the real-time program. Applicant's specification does not

disclose this. Claim 21 has similar limitation.

        Claim 22 recites among other things: displaying the buffered program includes

the portion of the video input signal, the video signal recorded prior to the detection of

the incoming phone call.   Applicant's specification does not explain how this is carried

out other than the applicant's meager disclosure: in an alternative embodiment,

buffering of the video or audio signals being observed occurs at the point of

presentation of caller ID information which does not really explain much how this is

implemented (paragraph: 0023 of applicant's published application)

Claim 32 recites: playing back of the buffered program in faster manner is

performed without user having to fast forward through portions of the buffered program.

This is not disclosed in applicant's specification other than saying: using the video

controls, portions of the video may be skipped or fast forwarded if desired (paragraph:

0022 of applicant's published application). This does not disclose doing it without user

having to fast forward through portions of the buffered program.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claim 12, 21, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Asmussen (US PAT: 7,293,279, filed 6-30-2000) in view of Takagi et al. (US PAT:

5,999,691, hereinafter Takagi).

Regarding claim 12, Asmussen discloses a system for providing uninterrupted

viewing of real time program during a telephone call from a caller to a user, the system

comprising: means for displaying caller identification information upon receipt of the call

(col. 43, line 61 – col. 44, line 7), means for detecting acceptance and termination of

the call by the user, means for buffering the real-time program from the acceptance of

the phone call and providing buffered program to the user upon termination of the call

until the buffered program coincides with real time program (col. 44 lines 56-67; col. 45

lines 8-59; figs 25-26, col. 45 lines 41-51).

Asmussen differs from claim 12 in that he does not specifically teach the

following: wherein the portion of the real time program is not buffered by the means for

buffering to facilitate coincidence of the buffered program with the real time program

(this is implied in as much as the reference teaches buffered program is played out till it

catches with real time program.

However, Takagi discloses television receiver, recording and reproduction

device, data recording method, and data reproducing method which teaches the

following: wherein the portion of the real time program is not buffered by the means for

buffering to facilitate coincidence of the buffered program with the real time program

(this is implied in as much as the reference teaches buffered program is played out till it

catches with real time program (col. 10 lines 11-22).

Thus, it would have been obvious to one of ordinary skill in the art at the time

invention was made to modify Asmussen's system to provide for the following: wherein

the portion of the real time program is not buffered by the means for buffering to

facilitate coincidence of the buffered program with the real time program (this is implied

in as much as the reference teaches buffered program is played out till it catches with

real time program as this arrangement would facilitate to catch up with the real-time

program being received without buffering portion of the real-time program as taught by

Takagi, thereby conserving the use of memory or buffer.

Regarding claim 21, Asmussen discloses an integrated system for providing

uninterrupted viewing of a real time program during a telephone call from a caller to a

user, the system comprising: a display configured to display the program and caller

identification information upon receipt of the call (col. 43, line 61 – col. 44, line 7), a

speaker configured to provide audio output for the program and the call, a microphone

configured to accept audio output for the call, a user input device configured to control

viewing of the program and accepting and terminating of the call by the user (col. 39

lines 53-61), a controller (in set top terminal) configured to detect acceptance of the and

termination of the call bY the user (col. 39 lines 19-42), a buffer (figs. 25-26) coupled to

the controller, wherein the buffer is configured to initiate buffering of the real time

program from the display of caller identification for the call (see step 1443 of fig. 28a:

col. 47 lines 24-32), provide buffered program to the display upon termination of the call

until the buffered program coincides with real time program (abstract: col. 44, line 57 –

col. 45, line 52; col. 50 lines 1-13, lines 46-52).

Asmussen differs from claim 21 in that he does not specifically teach the

following: the buffer being further configured to not buffer portions of the real-time

program such that when the buffer provides the buffered program for playback of the

buffered program, the portions of the real-time program not buffered are not played

back and buffering continues until the buffered program coincides with the real-time

program.

However, Takagi teaches the following: the buffer being further configured to not buffer portions of the real-time program such that when the buffer provides the buffered program for playback of the buffered program, the portions of the real-time program not buffered are not played back and buffering continues until the buffered program coincides with the real-time program (col. 10 lines 11-22).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Asmussen's system to provide for the following: the buffer being further configured to not buffer portions of the real-time program such that when the buffer provides the buffered program for playback of the buffered program, the portions of the real-time program not buffered are not played back and buffering continues until the buffered program coincides with the real-time program as this arrangement would facilitate to catch up with the real-time program being received without buffering portion of the real-time program as taught by Takagi, thereby conserving the use of memory or buffer.

Asmussen differs from claim 32 in that he does not specifically disclose: the playing back of the buffered program in a faster manner is performed without the user having to fast forward through portions of the buffered program.

However, Takagi teaches the following: the playing back of the buffered program in a faster manner is performed without the user having to fast forward through portions (reads on instructions from the control circuit 6) of the buffered program (col. 14 lines 32-43).

Thus, it would have been obvious to one of ordinary skill in the art at the time

invention was made to modify Asmussen's system to provide for the following: : the

playing back of the buffered program in a faster manner is performed without the user

having to fast forward through portions of the buffered program as this arrangement

would facilitate to play back buffered program to catch up with the real program as

taught by Takagi.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

7.   Claims 20, 22-23, 25, 27, 29 are rejected under 35 U.S.C 102(e) as being

anticipated by Asmussen (US PAT: 7,293,279, filed 6-30-2000).

Regarding claim 20, Asmussen discloses computer readable medium having

instructions for causing a computer to execute a method for providing uninterrupted

viewing of a real-time program during a telephone call from a caller to user, the method

comprising the steps of: displaying caller identification information upon receipt of the

call (col. 43, line 61 – col. 44, line 7), detecting the acceptance of the call by the user,

buffering the real-time program from the acceptance of the call, playing back the

buffered program to the user upon termination of the call until the buffered program

coincides with the real time program (col. 44, line 57 –col. 45, line 51), wherein

instructions (reads on VCR control instructions) cause computer (reads on VCR)to

perform play back the buffered program in a manner faster than reception of the real

time program (col. 46 lines 14-17; col. 50 lines 46-52).

  Regarding claim 22, Asmussen discloses an apparatus, comprising: means for

displaying video input signal, means for recording the video input signal (figs. 25-26),

means (in set top terminal) for detecting an incoming phone call (col. 39 lines 19-42),

means for causing the means for recording to record the video input signal in the Event

detecting means detects the incoming phone call such that the displaying means are

capable of displaying the recorded video signal to user upon termination of the phone

call (abstract), wherein means for recording records the video signal prior to detection of

the incoming phone call by means for detecting such that recorded video input includes

a portion of the video input recorded prior to detection of an incoming phone call (step

1443 of fig. 28a; col. 47 lines 24-44) so that displaying of the buffered program includes

a portion of the video input signal the video signal recorded to prior to detection of the

incoming call (col. 45, line 60 - col. 46, line 23; col. 50 lines 28-52).

  Regarding claims 23, 25, 27, 29, Asmussen further teaches the following:

recording means comprises a structure selected from the group consisting of: a set top

box, a computer system, a satellite receiver, a cable receiver, a network client, and a

television (figs. 1-3), comprising for allowing a voice mail system to handle the incoming

phone call in the event user does not answer the phone call (col. 39 lines 44-50),

detecting means further comprises means for displaying caller identification data from the incoming phone call to assist the user in selecting whether to answer the incoming call, displaying means is further capable of displaying caller identification data from the incoming call to assist user in selecting whether to answer the incoming phone call (col. 39 lines 19-42).

8.   Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Asmussen.

       Asmussen differs from claim 24 in that although discloses recording means is capable of initiating of the video input signal upon detecting the incoming call, upon detecting caller identification signal from the incoming phone call (step 1443 of fig. 28a), he does not specifically teach: initiating recording upon detection of ring signal etc.

       However, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Asmussen's system to initiate recording under different time scenarios in order to meet needs of the user of the system

9.   Claims 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asmussen in view of in view of Lagoni et al. (US PAT: 6,141,058, hereinafter Lagoni).

       Asmussen differs from claims 28 and 30 in that he does not specifically teach: detecting means for displaying caller identification data from the incoming phone call when the caller identification data matches a predetermined list, the caller identification data displaying means otherwise not displaying the caller identification data, displaying

means capable of displaying caller identification data from the incoming phone call when the caller identification data matches a predetermined list, the caller identification data displaying means otherwise not displaying the caller identification data.

However, Lagoni discloses television receiver having a user editable telephone system caller id feature which teaches: detecting means for displaying caller identification data from the incoming phone call when the caller identification data matches a predetermined list, the caller identification data displaying means otherwise not displaying the caller identification data, displaying means capable of displaying caller identification data from the incoming phone call when the caller identification data matches a predetermined list, the caller identification data displaying means otherwise not displaying the caller identification data (abstract; col. 1, line 66 – col. 2, line 16).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Asmussen's system to provide for the following: detecting means for displaying caller identification data from the incoming phone call when the caller identification data matches a predetermined list, the caller identification data displaying means otherwise not displaying the caller identification data, displaying means capable of displaying caller identification data from the incoming phone call when the caller identification data matches a predetermined list, the caller identification data displaying means otherwise not displaying the caller identification data as this arrangement would provide user with means for discriminating important calls while watching television so that user can handle important calls as taught by Lagoni.

10.   Claims 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Asmussen in view of Takagi as applied to claims 12 and 21 above, and further in

view of Christopher (US PAT: 7,272,295).

        The combination differs from claim 31 in that he does not specifically teach:

portion of the real-time program that is not buffered includes any commercial

advertisements in the real time program.

        However, Christopher discloses commercial skip and chapter delineation feature

on recordable medium which teaches the following: portion of the real-time program that

is not buffered includes any commercial advertisements in the real time program

(abstract).

        Thus, it would have been obvious to one of ordinary skill in the art at the time

invention was made to modify the combination to provide for the following: portion of the

real-time program that is not buffered includes any commercial advertisements in the

real time program as this arrangement would facilitate to eliminate recording of

annoying commercials so that user can save recording medium for storing desired

program.

        Claim 33 is rejected on the same basis as claim 31.

11.   Claim 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Asmussen in view of Brunelle et al. (US 2002/0172330A1, hereinafter Brunelle).

        Asmussen differs from claims 26 in that he does not specifically teach: means for

allowing a voicemail system to handle the incoming phone call in the event the user

does not answer the incoming phone call, means for allowing voicemail system to

handle incoming phone call in the event user does not answer the incoming phone call, the voicemail system being disposed in a location selected from the group consisting of: integrated within recording means, and external to the recording system.

However, Brunelle discloses method and apparatus for managing calls through an entertainment center which teaches: means for allowing a voicemail system to handle the incoming phone call in the event the user does not answer the incoming phone call, means for allowing voicemail system to handle incoming phone call in the event user does not answer the incoming phone call, the voicemail system being disposed in a location selected from the group consisting of: integrated within recording means, and external to the recording system (figs. 1-2, paragraphs: 0031, 0033).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Allen's system to provide for the following: means for allowing a voicemail system to handle the incoming phone call in the event the user does not answer the incoming phone call, means for allowing voicemail system to handle incoming phone call in the event user does not answer the incoming phone call, the voicemail system being disposed in a location selected from the group consisting of: integrated within recording means, and external to the recording system as this arrangement would provide the user with call handling options while he is watching television as taught by Brunelle, thus providing flexibility for handling calls.

12.   Claims 1-3, 6-11, 13, 16-19 allowed.

Conclusion

13.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

        --(US2003/0041332) to Allen et al. discloses system and method for mitigating

interruptions during television viewing.

Response to Arguments

        Applicant's arguments with respect to independent claims 12 and 21 are moot in

view of new grounds for rejection. However, Applicant's arguments to other clams such

as 20, 22-30 are addressed here.

        Regarding rejection claim 20 under 35 U.S.C 102(e) as being anticipated by by

Asmussen (US PAT: 7,293,279, filed 6-30-2000), Applicant argues that "Also, merely

because the disclosure of the present patent application also discuses fast forward and

fast reverse directions that are initiated by the user does not equate the user-initiated

fast forward operation of the Asmussen with the faster playback of portions the buffered

video disclosed in the specification and recited in claim 20". Regarding this, Applicant's

disclosure states the following: once the call is ended, the buffered video is played back

on the display from the point at which it was interrupted. Standard video controls such

as fast forward and rewind, are provided via user input device 109. Such input device

109 may comprise a remote control in one embodiment. Using this video controls,

portions of video may be skipped or fast forwarded (paragraph: 0022 of Applicant's

published application). This is similar to what Asmussen has disclosed which examiner

has used in rejection of the claims (col. 46 lines 10-23 of Asmussen). Therefore
Asmussen teaching reads on applicant's claim 20.

Regarding rejection of claim 22, Applicant, reciting from Asmussen argues that
"This does not discloses to one of ordinary skill in the art that the real time program is
being recorded prior to detecting an incoming call. Asmussen here is merely disclosing
what is happening after Asmussen system has begun buffering the video signal, after
the system has detected the incoming call". Regarding this, Asmussen teaches: Upon
detecting the occurrence of a communication event, the system optionally automatically
pauses the video program in response to the communication event and continues to
transmit it to buffer for storage (step 1443, fig. 28a, col. 47 lines 29-32). This clearly
reads on applicant's claim limitation such as the real time program is being recorded
prior to detecting an incoming call because communication event can read on caller ID
which what applicant is relying on to recite: real time program is being recorded prior to
detecting an incoming cal. Therefore, Asmussen disclosure reads on applicant's claim
limitation.

In light of this rejection of claims 12, 20-33 is maintained as set forth in the office
action.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Melur Ramakrishnaiah whose telephone number is
(571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Melur Ramakrishnaiah/
Primary Examiner, Art Unit 2614